

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ELI REISMAN, individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

Civ. No. 24-381 JMR/KK

KP COMMERCE LLC,

Defendant.

**ORDER TO CURE OR SHOW CAUSE**

THIS MATTER is before the Court *sua sponte*. This Court's Local Rules provide that

[a] civil action may be dismissed if, for a period of ninety (90) days, no steps are taken to move the case forward. The Clerk will give written notice that the action may be dismissed thirty (30) days after the date of the notice, unless good cause is shown.

D.N.M.LR-Civ. 41.1.

Plaintiff filed this action on April 22, 2024, and filed proof that he had caused Defendant to be served with process on June 10, 2024. (Docs. 1, 6.) To date, however, Defendant has not filed an answer or otherwise responded to Plaintiff's complaint.

On August 7, 2024, one of Plaintiff's attorneys filed a motion to withdraw as counsel, and the Court granted the motion later that day.<sup>1</sup> (Docs. 8, 9.) But since August 7, 2024, Plaintiff has failed to take any steps to move the case forward, even though it appears that Defendant may be in default.

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<sup>1</sup> In the Order, the Court noted that the attorney's withdrawal would not adversely affect Plaintiff's interests because Plaintiff has two other attorneys of record in this matter. (Doc. 9 at 1.)

IT IS THEREFORE ORDERED that, no later than **Monday, December 9, 2024**, Plaintiff shall either (1) take appropriate steps to move this case forward, or (2) show cause why his claims should not be dismissed without prejudice for failure to do so.

IT IS SO ORDERED.

A handwritten signature in cursive script, reading "Kirtan Khalsa", written in black ink.

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KIRTAN KHALSA  
UNITED STATES MAGISTRATE JUDGE